

Application Serial No.: 09/965,745
Attorney Docket No.: 01CON237P

REMARKS

This Amendment and Response is in response to the *Non-Final* Office Action of March 8, 2005, where the Examiner has rejected claims 1-38. By the present amendment, claim 20 has been amended, and the Preliminary Amendment has been reinstated, which amended claims 13, 16 and 29, and added new claims 39-46.

Applicant respectfully requests that the Preliminary Amendment of March 8, 2003, which was received by the PTO on March 14, 2003 (as shown on PAIR), be entered and considered in the present application.

After the present amendment, claims 1-46 remain pending in the present application. Reconsideration and allowance of outstanding claims 1-46 in view of the following remarks are requested.

A. Rejection of Claims 1-38 under the Judicially Created Doctrine of Obviousness-Type Double Patenting

The Examiner has rejected claims 1-38 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent Application Serial No. 10/464,291, filed on June 17, 2003.

Along with the present amendment, applicant has submitted a terminal disclaimer to overcome the Examiner's rejection under the judicially created doctrine of obviousness-type double patenting with respect to claims 1-13 of U.S. Patent Application Serial No. 10/464,291, filed on June 17, 2003. Applicant respectfully submits that the enclosed terminal disclaimer overcomes the Examiner's rejection under the judicially created doctrine of obviousness-type double patenting.

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B. Objection to Claim 20

The Examiner has objected to claim 20 for reciting "an input capable of receiving ..." and "a filter circuit capable of filtering ..." for not being positively recited claim limitations. Applicant respectfully disagrees; however, in order to expedite the prosecution of the present application, applicant has amended claim 20 to replace "an input capable of receiving" with --an input configured to receive--, and "a filter circuit capable of filtering" with --a filter circuit configured to filter--. Accordingly, applicant respectfully submits that the Examiner's objection has been overcome.

C. Rejection of Claims 20, 26 and 27 under 35 USC §102(b)

The Examiner has rejected claims 20, 26 and 27, under 35 USC § 102(b), as being anticipated by Cassing (C6x Solution for Voice Over IP Gateway) ("Cassing").

In rejecting claim 20, among other things, the Examiner states that Figure 9 of Cassing discloses the filter circuit of claim 20. Applicant respectfully disagrees.

Applicant respectfully submits that claim 20, as amended, reads in part "a filter circuit configured to filter an answer tone from said first signal to generate a second signal." It is respectfully submitted that Cassing fails to disclose, teach or suggest that the filter circuit of Figure 9 is configured to filter an answer tone from the first signal to generate a second signal. In fact, a review of Figure 9 of Cassing indicates that Figure 9 simply depicts a block diagram of an Echo Canceller module for use in a telephone network. It is well known that the adaptive filter of the Echo Canceller module of Figure 9 is configured to generate a model for the far signal,

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which is then subtracted from the near signal to remove an echo signal of the far signal reflected by the hybrid circuit of the telephone network or the near end environment. The adaptive filter of the Echo Canceller module of Figure 9 is not configured to filter an answer tone.

Accordingly, it is respectfully that claim 20 is patentably distinguishable over Cassing, and claim 20 and its dependent claims 26 and 27 should be allowed.

D. Claims 39-46


Applicant respectfully submits that independent claim 39 should be allowed at least for one or more reasons that claim 1 is in condition for allowance. Further, claims 40-46 depend from claim 39, and should be allowed at least for the same reasons.

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E. Conclusion

Based on the foregoing reasons, an early Notice of Allowance directed to all claims 1-46 pending in the present application is respectfully requested.

Respectfully Submitted,
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